MINUTES OF THE REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION COUNCIL CHAMBERS, CITY HALL July 14, 2009

1. Present

Commissioners:

Sherwood Bishop, Chair Ryan Thomason, Vice-Chair Bill De Soto Bill Taylor Curtis Seebeck Allen Shy (absent) Cecil Pounds Jim Stark Randy Bryan

City Staff:

Matthew Lewis, Assistant Director of Development Services-Planning Phil Steed, Planner John Foreman, Planner Francis Serna, Recording Secretary

2. Call to Order and Announce a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday July 14, 2009 in the Council Chambers, City Hall building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. Executive Session

There were no discussions.

5. Citizen Comment Period

There were no citizen comments.

6. CUP-09-11. Hold a public hearing and consider a request by Jack Purnell, on behalf of Leathel Roberts, for a Conditional Use Permit to allow an Alcoholics Anonymous meeting room at 322 Smith Lane.

John Foreman informed the Commission that the applicant currently operates Alcohol Anonymous (AA) meeting at the end of Smith Lane. He explained that according to the schedule posted online, meetings are held several times daily. Mr. Foreman added that Building Department has indicated a number of complaints from neighbors and additional traffic generated

from the site. He mentioned that staff received 2 comments from neighbors of concern and in opposition to the request. Mr. Foreman explained that Alcoholics Anonymous is not defined in the Land Use Matrix. Therefore, staff could not classify the use and according to the Land Development Code an AA meeting place is not eligible for a Conditional Use Permit. Staff recommended denial of the request. He added that the Commission could postpone action to allow the applicant an option to request that the use be added to the Land Use Matrix.

Chair Bishop opened the public hearing.

Gail Rode, 291 Roland Lane, Kyle Texas stated that she is a licensed counselor and works in San Marcos and in Austin. She felt that AA meetings are necessary in the community. Ms. Rode pointed out that at the start of AA meetings they met in people's homes. She stated that the meetings are very successful and that the community needs the service. Ms. Rode stated that the more facilities available the better things will be.

Roger Byrne, 314 Smith Lane stated that he has two children that play basketball in the street. He does not see a problem with traffic and has never seen anyone disobey the speed limit. Mr. Byrne felt that the meetings should continue and that the meetings are a great service to the community.

Jack Purnell stated that he manages the property for Lisa Roberts. He said that the house is an eye sore and is called "The Last House on the Block." Mr. Purnell explained that they do have meetings at the house and that he has collected a signed letter from all 8 neighbors around the house. He stated that he did not understand the concerns because there are neighbors that belong to the group. He added that there is another meeting held downtown but that the parking is a problem. Mr. Purnell commented that he felt the services are needed.

Carolyn Ball, 1615 Redwood Road, Apt. 6a, San Marcos, Texas stated she was in support of the request. She explained that AA is a fellowship and support group which is held in private homes, churches, civic centers and is similar to a bible study and non business fellowship service. Ms. Ball added that the location was great because most members live near the facility and don't have transportation. She pointed out that it is on a dead end street and there is no through traffic. Ms. Ball mentioned that members are reminded to take caution of the children when leaving the facility. She said that the last meeting is at 7:00 and there is no traffic from the meetings after 8 or 8:30 p.m.

Steve Knudsen, 97 Mulberry, Maxwell, Texas stated that The Last House of the Block has been an asset for him for the last two years in order for him to get his life on the right track. He said it is a great place for recovery and hopes the request is considered.

Karen Kalina, 310 Smith Lane stated that the meetings have been going on for three years without any problems and that the people who attend are neighborly. She said the group functions as a reach out to the Wimberley Right Step Treatment Center who bus people in. Ms. Kalina commented that she feels it is a friendly place and has never had problems with the traffic. She stated that she was in support of the continuing the use of the facility.

Mario Rosales, 1745 Spruce Street, San Marcos, Texas stated that the meetings mean allot to him and that the meetings have changed his life. He felt that without the meetings he would not be where he is today and would probably be out in the streets. Mr. Rosales stated that there are plenty of people that need AA but the people who want to help themselves will attend to change their lives to become of member of society. He said the members are a fellowship of people who stand together. He said that the AA meetings have brought him a new life and stated he was in support of the request.

Keith Fletcher, 205 James Street, San Marcos, Texas stated that the group is very important and is also he is required to attend by Court Order. He explained that he received a meeting schedule from the courts with the AA meeting information on it. Mr. Fletcher said that the advise members to be careful with the children as they leave the facility. He said that the meetings have been going on for three years and does not see a problem with the facility and members. Mr. Fletcher commented that the meetings help him on a daily basis which makes him a more positive person. He asked the Commission to change the policy to allow the AA meetings to continue.

Terris Bailey, 801 W. Second Street, Kyle Texas stated that he also holds AA meetings in his home. He pointed out that is it necessary to have AA meetings to help others that are willing to help themselves. Mr. Bailey stated that hosting AA meetings will make a difference to allot of people.

Mayra Wilson, 426 Edward Gary, stated there are no drug dealers and that she has been a member since 1986. She stated that they try to do well and can provide the help with AA meetings. Ms. Wilson said that AA meetings are needed.

Carrie Baker, 904 Furman, stated that she lives in a single family home and that she does not have a problem with the traffic. She added that she was in support of the Last House on the Block.

Ginger Taylor, 97 Mulberry, Maxwell, Texas stated that she is a member of AA and the meetings are a big part of putting her life together. She asked the Commission to allow the meetings to continue because there are allot of people that need the help.

Claudia Berry, 616 Franklin, stated she is in support of the request. She stated that she has been a member of the house for 3 ½ years and has seen many people get their lives together. Ms. Berry stated that they are on a dead end street and that there are plenty of acres behind the meeting room for parking if parking is an issue. She mentioned that an International AA convention will be held in San Antonio and that many members will be staying in San Marcos. Ms. Berry mentioned that AA is free and is available for those willing to attend.

Don Simmons stated that he is an alcoholic and drug addict and was sentenced to AA 29 years ago. He stated that AA works for him. Mr. Simmons asked the Commission to help them find a solution to the problem until they find a different location to hold meetings.

There were no additional citizen comments and the public hearing was closed.

John Foreman informed the Commission that an alternate recommendation is to request that the use be included in the land use matrix and the applicant can return and request a conditional use permit.

Matthew Lewis explained to the Commission that they can make a recommendation to include meetings in a single family zoning district. He suggested that the Commission be specific in their recommendation. He pointed out that staff would work on amendment to the land use matrix.

Curtis Seebeck pointed out that there are many people in support and only two letters in opposition. He stated that he was in support of approving the CUP.

Commissioner Bryan agreed with Commissioner Seebeck.

Commissioner Pounds stated that he is concerned with the 3 meetings per day, although felt that a solution should be reached so that the members could continue meeting.

The Commission briefly discussed and thought that the meetings should continue during the time that staff addresses amending the land use matrix to include Alcoholics Anonymous as a specified use.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Taylor the Commission voted eight (8) for and none (0) opposed, to approve the request for a period of 6 months. The motion carried unanimously. Commissioner Shy was absent.

Commissioner Taylor stepped out of the meeting from 6:43-6:45 p.m.

7. CUP-09-13. Hold a public hearing and consider a request by Allen Shy, on behalf of Shy Inc., for a renewal of a TABC Unrestricted Conditional Use Permit to allow the on-premise consumption of liquor, beer, and wine at 139 E. Hopkins.

John Foreman explained that the request was approved on June 24, 2008, which amended the name of the license holder on the existing unrestricted Cup authorizing the on-premise consumption of liquor, beer, and wine. In addition, the request is also an amendment to change the name of the establishment from the Draft Choice to Harper's Public House. He added that the hours of operation are from 4 p.m. to 2 a.m. and that no amplified music is proposed. Mr. Foreman mentioned that no other departments have reported major concerns regarding the subject property. Staff recommended approval for 3 years based on the standard approval process.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

Commissioner Seebeck commented that the CUP be valid for the life of the TABC license. He added that his suggestion that the CUP be valid for the lifetime of the TABC license did not have any reflection that Allen Shy is the applicant.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Stark, the Commission voted seven (7) for and one (1) opposed, to approve the request with the conditions that the CUP be valid for three (3) years, provided standards are met, subject to the point system. The motion carried. Commissioner Taylor voted no. Commissioner Shy was absent.

8. CUP-09-14. Hold a public hearing and consider a request by Nicholas Aluotto for a General Conditional Use Permit to allow a defensive driving school at 129 E. Hopkins.

John Foreman advised the Commission that the applicant has chosen a change the location of the school to the Tap Room, therefore requires a new CUP is required. He explained that the proposed use is for a defensive driving course and no general drivers' education classes are proposed. The hours proposed are from 8:45- 3 p.m. Monday, Wednesday, Saturday, and Sunday and 5-8 pm on Thursday and Friday. Mr. Foreman added that no other departments have issued comments. Staff evaluated the request for consistency with the Downtown Master Plan. The proposal is not likely to have adverse impacts on the surrounding area. Staff recommended approval of the request as submitted.

Commissioner Seebeck stepped out of the meeting from 6:48-6:50 p.m.

Chair Bishop opened the public hearing. Nicholas Aluotto, 82 Shady Bluff, Wimberley, Texas added that the room that will be used is a conference room set aside from the Tap Room. He said there is a 50 seating capacity. Mr. Aluotto explained that he requested the change of location because he could not come into an agreement involving the previous location. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted eight (8) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously. Commissioner Shy was absent.

9. PC-04-07(03b). Hold a public hearing and consider a request by David Kneuper, P.E. with Baker-Aicklen & Associates, Inc., on behalf of Carma Blanco Vista, Ltd., for approval of the final plat of Lot 1, Blanco Vista LDS Church, being 5.482 acres out of the William Ward League, ABS 467, Hays County, located in the 300 Block of Trail Ridge Pass.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

Phil Steed advised the Commission that the property is located in the Blanco Vista residential development situated in the northwest quadrant of the City on the outer most edge of the city limits. He explained that the five acre tract is the proposed site of the new Church of Latter-Day Saints. The final plat is subject to all requirements of the Land Development Code and has been reviewed for consistency with the existing City ordinances and policies. In addition, the City Environment and Engineering Department has approved the TIA; the Public Improvement Construction Plans (PICPP); and deemed the Watershed Protection Plan Phase 2 as substantially complete. Staff recommended approval of the final plat as submitted.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Pounds, the Commission voted seven (7) for and one (1) opposed, to approve the request as submitted. The motion carried. Commissioner Stark voted no. Commissioner Shy was absent.

10. Planning Issues:

a. Watershed Protection Plan Workshop.

Kathy Woodlee gave a brief overview of the Watershed Protection Plan process.

Commissioner Bryan stepped out of the meeting from 7:14-7:16 p.m.

11. Discussion Items.

Commissioner Thomason suggested that staff begin the process to include Alcoholics Anonymous language in the Land Use Matrix.

Planning Report

Matthew Lewis advised the Commission that staff is working on the Land Development Code amendments and the Interlocal Agreements updates with the surrounding counties. He mentioned that the LDC will be brought before the Commission and the Interlocal Agreements will be presented to Council within the next few months.

Commissioners' Report

Commissioner Seebeck and DeSoto stated that they would not be present at the July 28, 2009 Planning and Zoning Commission meeting.

12. Consider approval of the minutes from the Regular Meeting of June 23, 2009.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Stark, the Commission voted seven (7) for, zero (0) opposed, and one (1) abstained to approve the Regular Meeting Minutes of June 23, 2009 with corrections. The motion carried. Commissioner Taylor abstained and Commissioner Shy was absent.

13. Questions and answers from the Press and Public.

There were no comments from the press and public.

14. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 7:23 p.m. on Tuesday, July 14, 2009.

ATTEST: Junes Serva Francis Serna, Recording Secretary